

Remarks/Arguments:

Preliminary Matters

Claims 1 - 8 are pending, and claims 9 and 10 have been withdrawn from consideration pursuant to a restriction requirement. Applicant expressly reserves the right to file future applications directed to claims 9 and 10 without prejudice.

Applicant notes with appreciation the indication that claim 7 would be allowable if rewritten in independent form. Applicant respectfully submits, however, that because claim 7 is ultimately dependent upon amended, allowable claim 1, claim 7 should also be allowed at least as dependent upon an allowable base claim.

35 U.S.C. § 102

Claims 1 - 3 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,607,426 to Ralph et al. Applicant respectfully traverses the rejection and respectfully submits that these claims are patentable over Ralph for at least the reasons set forth below.

Independent claim 1, as amended, recites features that are neither disclosed nor suggested by Ralph, namely:

A bone fixation assembly comprising: (a) a fixation device having a through passage; (b) a fastening screw having...a head having substantially frustospherical shaped side surfaces; (c) a bushing having...an interior surface which defines a socket bore...; and (d) *cam means integrally disposed on said bushing*, said cam means disposed between said through passage and said bushing and configured and dimensioned for inwardly compressing said bushing upon axial rotation thereof in said through passage....

As illustrated in the exemplary embodiment shown in Figs. 1 - 10 of the current application, and for illustrative purposes only, a cam mechanism 37 is disposed between through passages 15 and 22 of screw socket receiving elements 12 and 13 and bushings 30. Page 8, lines 13 - 14. More specifically, with reference to Figs. 3 - 6, the cam mechanism 37 includes annularly spaced upwardly extending ramp cams 41 on the upper surface 31 of bushing 30. Page 9, lines 7 - 8. In other words, the cam means is a part of (i.e., integral to) the bushing component 30.

In contrast, the cap portion 142 of the coupling element of Ralph is a separate component from the socket portion 132. As illustrated in Fig. 5 of Ralph, *two portions* form the coupling element. Column 8, lines 39 - 40. Thus, Ralph neither discloses nor suggests *cam*

means integrally disposed on a bushing, and therefore fails to disclose or suggest each and every element of Applicant's claimed invention.

Accordingly, Applicant respectfully submits that the pending rejection of claim 1 should be withdrawn. Claims 2 and 3 are dependent from claim 1, and therefore should also be allowed at least as dependent upon an allowable base claim. Reconsideration of these claims is respectfully requested.

35 U.S.C. § 103

Claims 4 - 6

Claims 4 - 6 (ultimately dependent upon claim 1) stand rejected under 35 U.S.C. § 103(a) as unpatentable over Ralph in view of U.S. Patent No. 6,235,033 to Brace et al. Applicant notes that the rejection is based upon the subject matter of claim 4 alone and that no specific rejections have been directed to the subject matter of claims 5 and 6. Applicant respectfully submits that the rejections of claims 5 and 6 are in error and, accordingly, requests withdrawal of these rejections.

Brace discloses a bushing 14 having an upper surface 16, a lower surface 18, and a sidewall 20 with an exterior surface 22, as illustrated in Figs. 3 - 5. Column 3, lines 41 - 43. Brace neither discloses nor suggests *cam means integrally disposed on the bushing*. As noted above, Ralph also fails to teach or suggest this feature.

Thus, because claims 4 - 6 (ultimately dependent upon claim 1) include limitations that are neither disclosed nor suggested by Ralph or Brace, alone or in combination, *prima facie* obviousness cannot be established based on the cited references. Accordingly, Applicant respectfully submits that claims 4 - 6 should be allowed for at least the reasons set forth above. Reconsideration of these claims is respectfully requested.

Claim 8

Claim 8 (ultimately dependent upon claim 1) stands rejected under 35 U.S.C. § 103(a) as obvious over Ralph in view of Brace and in further view of U.S. Patent No. 5,129,899 to Small et al. Applicant respectfully traverses the rejection of this claim and respectfully submits that this claim is patentable over the art of record for at least the reasons set forth below.

Small discloses a nut 31 including internal threads 33 that engage fine threads 14 of bone bolt 11 and an upper flat surface 34, as illustrated in Fig. 1. Column 4, lines 3 - 5. Small neither discloses nor suggests *cam means integrally disposed on a bushing*. As noted above, Ralph and Brace also fail to teach or suggest this feature.

Appln. No.: 10/731,625
Amendment Dated: April 20, 2005
Reply to Office Action of March 8, 2005

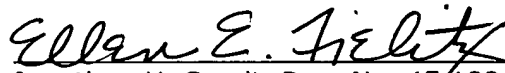
BBM-117US

Thus, because claim 8 (ultimately dependent upon claim 1) includes limitations that are neither disclosed nor suggested by Ralph, Brace, or Small, alone or in combination, *prima facie* obviousness cannot be established based on the cited references. Accordingly, Applicant respectfully submits that claim 8 should be allowed for at least the reasons set forth above. Reconsideration of this claim is respectfully requested.

Conclusion

For all of the above reasons, the application is believed to be in condition for allowance, which action is earnestly solicited.

Respectfully submitted,


Jonathan H. Spadt, Reg. No. 45,122
Ellen E. Fielitz, Reg. No. 54,746
Attorneys for Applicant

JHS/EEF/nmc

Dated: April 20, 2005

☒ P.O. Box 980
Valley Forge, PA 19482
(610) 407-0700

The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. 18-0350 of any fees associated with this communication.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to:
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 20, 2005


Nicole M. Chatmon